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subject to the complex model standards:

(1) The name and EPA registration number of the refinery at which the gasoline was produced, or importer that imported the gasoline; and

(2) Instructions that the gasoline or RBOB may not be combined with any other gasoline or RBOB that was produced at any other refinery or was imported by any other importer;

(i) In the case of reformulated gasoline blendstock for which oxygenate blending is intended:

(1) Identification of the product as RBOB and not reformulated gasoline;

(2) The designation of the RBOB as suitable for blending with:

(A) Any-oxygenate;

(B) Ether-only; or

(C) Other specified oxygenate type(s) and amount(s); and

(3) The oxygenate type(s) and amount(s) which the RBOB requires in order to meet the properties claimed by the refiner or importer of the RBOB;

(4) Instructions that the RBOB may not be combined with any other RBOB except other RBOB having the same requirements for oxygenate type(s) and amount(s), or, prior to blending, with reformulated gasoline; and

(j) In the case of transferrers or transferees who are refiners, importers or oxygenate blenders, the EPA-assigned registration number of those persons.

[59 FR 7813, Feb. 16, 1994, as amended at 59 FR 36965, July 20, 1994; 62 FR 60136, Nov. 6, 1997; 62 FR 68207, Dec. 31, 1997]

§ 80.78 Controls and prohibitions on reformulated gasoline.

(a) *Prohibited activities.* (1) No person may manufacture and sell or distribute, offer for sale or distribution, dispense, supply, offer for supply, store, transport, or cause the transportation of any gasoline represented as reformulated and intended for sale or use in any covered area:

(i) Unless each gallon of such gasoline meets the applicable benzene maximum standard specified in § 80.41;

(ii) Unless each gallon of such gasoline meets the applicable oxygen content:

(A) Minimum standard specified in § 80.41; and

(B) In the case of gasoline subject to simple model standards, maximum standard specified in § 80.41;

(iii) Unless each gallon is properly designated as oxygenated fuels program reformulated gasoline, within any oxygenated gasoline program control areas during the oxygenated gasoline control period;

(iv) Unless the product transfer documentation for such gasoline complies with the requirements in § 80.77; and

(v) During the period May 1 through September 15 for all persons except retailers and wholesale purchaser-consumers, and during the period June 1 through September 15 for all persons including retailers and wholesale purchaser-consumers:

(A) Unless each gallon of such gasoline is VOC-controlled for the proper VOC Control Region, except that gasoline designated for VOC-Control Region 1 may be used in VOC-Control Region 2;

(B) Unless each gallon of such gasoline that is subject to simple model standards has an RVP which is less than or equal to the applicable RVP maximum specified in § 80.41;

(C) Unless each gallon of such gasoline that is subject to complex model standards has a VOC emissions reduction percentage which is greater than or equal to the applicable minimum specified in § 80.41.

(2) No refiner or importer may produce or import any gasoline represented as reformulated or RBOB, and intended for sale or use in any covered area:

(i) Unless such gasoline meets the definition of reformulated gasoline or RBOB; and

(ii) Unless the properties of such gasoline or RBOB correspond to the product transfer documents.

(3) No person may manufacture and sell or distribute, or offer for sale or distribution, dispense, supply, or offer for supply, store, transport or cause the transportation of gasoline represented as conventional which does not contain at least the minimum concentration of the conventional gasoline marker specified in § 80.82.

(4) Gasoline shall be presumed to be intended for sale or use in a covered area unless:

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(i) Product transfer documentation as described in § 80.77 accompanying such gasoline clearly indicates the gasoline is intended for sale and use only outside any covered area; or

(ii) The gasoline is contained in the storage tank of a retailer or wholesale purchaser-consumer outside any covered area.

(5) No person may combine any reformulated gasoline with any non-oxygenate blendstock except:

(i) A person that meets each requirement specified for a refiner under this subpart; and

(ii) The blendstock that is added to reformulated gasoline meets all reformulated gasoline standards without regard to the properties of the reformulated gasoline to which the blendstock is added.

(6) No person may add any oxygenate to reformulated gasoline, except that such oxygenate may be added to reformulated gasoline provided that such gasoline is used in an oxygenated fuels program control area during an oxygenated fuels control period.

(7) No person may combine any reformulated gasoline blendstock for oxygenate blending with any other gasoline, blendstock, or oxygenate except:

(i) Oxygenate of the type and amount (or within the range of amounts) specified by the refiner or importer at the time the RBOB was produced or imported; or

(ii) Other RBOB for which the same oxygenate type and amount (or range of amounts) was specified by the refiner or importer.

(8) No person may combine any VOC-controlled reformulated gasoline that is produced using ethanol with any VOC-controlled reformulated gasoline that is produced using any other oxygenate during the period January 1 through September 15.

(9) Prior to January 1, 1998:

(i) No person may combine any reformulated gasoline or RBOB that is subject to the simple model standards with any reformulated gasoline or RBOB that is subject to the complex model standards, except that such gasolines may be combined at a retail outlet or wholesale purchaser-consumer facility;

(ii) No person may combine any reformulated gasoline subject to the complex model standards that is produced at any refinery or is imported by any importer with any other reformulated gasoline that is produced at a different refinery or is imported by a different importer, unless the other refinery or importer has an identical baseline for meeting complex model standards during this period; and

(iii) No person may combine any RBOB subject to the complex model standards that is produced at any refinery or is imported by any importer with any RBOB that is produced at a different refinery or is imported by a different importer, unless the other refinery or importer has an identical baseline for meeting complex model standards during this period.

(10) No person may combine any reformulated gasoline with any conventional gasoline and sell the resulting mixture as reformulated gasoline.

(b) *Liability.* Liability for violations of paragraph (a) of this section shall be determined according to the provisions of § 80.79.

(c) *Determination of compliance.* Compliance with the standards listed in paragraph (a) of this section shall be determined by use of one of the testing methodologies specified in § 80.46, except that where test results using the testing methodologies specified in § 80.46 are not available or where such test results are available but are in question, EPA may establish non-compliance with standards using any information, including the results of testing using methods that are not included in § 80.46.

(d) *Dates controls and prohibitions begin.* The controls and prohibitions specified in paragraph (a) of this section apply at any location other than retail outlets and wholesale purchaser-consumer facilities on or after December 1, 1994, at any location on or after January 1, 1995.

[59 FR 7813, Feb. 16, 1994, as amended at 59 FR 36965, July 20, 1994; 62 FR 60136, Nov. 6, 1997; 62 FR 68207, Dec. 31, 1997]

§ 80.79 Liability for violations of the prohibited activities.

(a) *Persons liable.* Where the gasoline contained in any storage tank at any